

**PATENT**

**Attorney Docket No. FERN-P013/35604-701.201**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor: Dennis Fernandez

Application No.: 10/646,682

Filed: 08-22-2003

Title: Integrated Biosensor and Simulation System for  
Diagnosis and Therapy

Confirmation No.: 1019  
Examiner: Eric S. DeJong  
Group Art Unit: 1631  
Customer No. **21971**

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FILED ELECTRONICALLY ON: February 15, 2008

## **RESPONSE TO RESTRICTION REQUIREMENT M/S AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This communication is in response to the Office Action dated January 29, 2008. The shortened statutory period for response expires on February 29, 2008. This Response is submitted prior to shortened statutory period for reply, therefore no extension fee is required to enter this Response.

The Examiner has asserted species elections as follows:

1. Species election for claims directed to implantation sites:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed **species of implantation sites** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The species are recited in claims 44 and 52: mouth, larynx, blood vessel, vein, nose, ear, eye, heart, brain, lymph node, lung, breast, stomach, pancreas, kidney, colon, rectum, ovary, uterus, bladder or prostate. Applicant is required to elect a single implantation site.

## 2. Species election for claims directed to biological targets:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed **species of biological targets** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The species are recited in claims 47 and 55: DNA, RNA, peptide, antibody, antigen, tissue factor, virus, lipid, fatty acid, steroid, neurotransmitter, carbohydrate, free radical, neural, chemical, metabolite and cell. Applicant is required to elect a single biological target.

### 3. Species election for claims directed to reconfiguration:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed **species of reconfiguration** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to

be allowable. The species recited in claims 48-51: reconfiguration to activate or deactivate the biosensor or reconfiguration of the hardware. Applicant is required to elect either reconfiguration directed to activating/deactivating a biosensor or reconfiguration of the hardware components.

Applicant elects without traverse the following species: as to implantation sites, Applicant elects **blood vessel**; as to biological targets, Applicant elects **metabolite**; and as to reconfiguration, Applicant elects **activating/deactivating**.

#### CONCLUSION

The foregoing election of species without traverse is being submitted within the shortened statutory period. **FEE AUTHORIZATION**

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 35604-701.201).

Respectfully submitted,

By:



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